

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CEDRIC BISHOP, <i>on behalf of himself and all</i>	:	
<i>other persons similarly situated,</i>	:	
	:	
Plaintiff,	:	24-CV-7225 (VSB)
	:	
-against-	:	<u>ORDER</u>
	:	
MARS HILL UNIVERSITY,	:	
	:	
Defendant.	:	
	:	
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VERNON S. BRODERICK, United States District Judge:

On September 24, 2024, Plaintiff filed this action against Defendant. (Doc. 1.) To date, Plaintiff has not obtained a summons, filed an affidavit of service, or taken any other action to prosecute this case. Accordingly, it is hereby:

ORDERED that, no later than January 10, 2025, Plaintiff shall submit an affidavit of service showing that Defendant was timely served. If Defendant was not timely served, then Plaintiff shall, no later than January 10, 2025, submit a letter of no more than three (3) pages, supported by legal authority, demonstrating good cause as to why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m). “Good cause is generally found only in exceptional circumstances where the plaintiff’s failure to serve process in a timely manner was the result of circumstances beyond its control.” *E. Refractories Co. v. Forty Eight Insulations, Inc.*, 187 F.R.D. 503, 505 (S.D.N.Y. 1999) (internal quotation marks omitted). “District courts consider the diligence of plaintiff’s efforts to effect proper service and any prejudice suffered by the defendant as a consequence of the delay.” *Id.* (internal quotation marks omitted). “An attorney’s inadvertence, neglect, mistake or misplaced reliance does not constitute good cause.” *Howard v. Klynveld Peat Marwick Goerdeler*, 977 F.Supp. 654, 658 (S.D.N.Y.

1997) (citing *McGregor v. United States*, 933 F.2d 156, 160 (2d Cir.1991), *aff'd*, 173 F.3d 844 (2d Cir. 1999)). Plaintiff is warned that failure to submit a letter and to demonstrate good cause for failure to serve Defendant within ninety days after the complaint was filed will result in dismissal of this action.

SO ORDERED.

Dated: January 3, 2025
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, prominent "V" and the last name "Broderick" follows in a similar cursive script. The signature is positioned above a horizontal line.

VERNON S. BRODERICK
United States District Judge